

Attachment B



NIXON PEABODY LLP
ATTORNEYS AT LAW

Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000
Fax: (202) 585-8080

Veronica M. Ahern
Direct Dial: (202) 585-8321
E-Mail: vahern@nixonpeabody.com

September 25, 2003

Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Regulatory Fee Request

Dear Sir or Madam:

Equant Inc. ("Equant"), by its attorneys, hereby requests that the Office of Managing Director accept the amount of \$71,628.71, less \$21,471.02 paid by Equant through the offset program of the Department of Treasury, as full payment of regulatory fees and penalties owed by Equant for the year January 1 to December 31st, 1999 and instruct the Department of Treasury to end all collection actions. Equant filed a Remittance Form 159 and wired \$71,628.71 to the Mellon Bank on September 23, 2003. (See Attachment A)¹ Equant asks that the Office of Managing Director accept this payment as payment in full, regardless of whether the simultaneously filed Request for Review of a decision of the Universal Service Administrative Company ("USAC") is granted. (See Attachment B). Equant makes these requests as the successor in interest to Equant Network Services ("ENS").²

Background

In 2000, Equant Network Services was a private interstate telecommunications provider offering services only on a non-common carrier basis. In April 2000, ENS filed a Telecommunications Reporting Worksheet (Form 499-A) that included on Line 412

¹ After paying \$71,628.71, Equant learned that the total amount of the Treasury Department off-set was \$21,471.02. Equant asks for refund of that amount.

² On December 31, 2001, Equant Network Services, was merged with Equant Inc., the surviving entity.

Marlene Dortch
September 25, 2003
Page 2

approximately \$129 million of off-shore revenue, that is, revenue derived from calls that both originate and terminate in foreign points and do not transit the U.S. That revenue should have been recorded on Line 418 (non-telecom service revenue) since it was for non-U.S.-based revenues. In other words, ENS made a \$129 million mistake. We understand that other carriers made the same miscalculation in 2000, a result of an ambiguous instruction sheet that subsequently was clarified by the FCC.

As required, ENS paid its universal service contribution and cost recovery payment based on the revenues shown in the incorrect Form 499-A. However, ENS did not pay regulatory fees because it operated only as a private carrier, not subject to Title II regulation. ENS believed that such private carriers were exempt from regulatory fees.

In June 2003, Equant, ENS's successor in interest, received a "demand" letter from a Private Collection Agency, seeking \$350,006.15 in regulatory fees and penalties based upon the April 2000 Form 499-A. Equant investigated the matter and determined that the 2000 Form 499-A was incorrect in that it included approximately \$129 million of foreign revenue that should not have been included, and that was used to calculate the regulatory fee. On August 25, 2003, Equant, on behalf of ENS, filed a revised Form 499-A for the year 2000. This revised Form 499-A reclassified the \$129 million from Line 412 to Line 418 and, as a result, significantly reduced the amount of owed regulatory fees. On August 26, 2003, representatives of Equant met with staff from the Office of Managing Director and the Wireline Bureau to discuss how to correct this matter and end further collection efforts. On August 27, 2003 USAC rejected the revised Form 499-A because it was not filed within one year of the original submission.³

Request

Equant has paid regulatory fees and penalties based on the corrected Form 499-A in the amount of \$71,628.71, including a 25% penalty. Equant asks the Managing Director to rule that this amount, less the Treasury Department offset amount of \$21,471.02, satisfies Equant's obligation and to direct the Department of the Treasury to end further collection efforts pursuant to the Debt Collection Improvement Act. Equant asks for a refund of the \$21,471.02. Further, Equant asks the Managing Director to take this action whether or not the Wireline Bureau overrules USAC and accepts the revised Form 499-A. As described in our Request for Review, the instructions for completing the 2000 Form 499-A were unclear, which led to the mistake made by ENS. (The instructions have since been corrected to make the classification of off-shore revenue clear.) Equant should not be required to pay regulatory fees greatly in excess of what is legitimately owed because the instructions to Form 499-A were misleading. Equant

³ Simultaneous with this request for OMD action, Equant has sought review of the USAC decision from the Wireline Bureau pursuant to Section 54.722 of the Commission's rules (Attachment B).

Marlene Dortch
September 25, 2003
Page 3


expects that the Wireline Bureau will overrule USAC and allow revision of the 2000 Form 499-A. If it does not, however, fairness requires that the Managing Director permit Equant to pay regulatory fees based upon the correct calculations, that is, those that do not include revenues from off-shore traffic that did not transit the United States.

For these reasons, Equant, pursuant to Sections 0.231(a) and 1.1166 of the Commission's rules, requests that the Managing Director accept \$50,157.69 (\$71,628.71 less \$21,471.02) (including 25% penalty) as payment in full of the year 2000 Equant regulatory fees, direct the Department of Treasury to end collection action, and refund \$21,471.02 to Equant.

Please contact the undersigned if you have any questions.

Respectfully submitted,

Equant Inc.

By: 
Veronica M. Ahern
Its Attorney

Attachment A: Form 159
Attachment B: Equant Request for Review

cc: Claudette Pride, OMD
Jim Lande, Wireline Bureau

Nixon Peabody LLP

Attorneys at Law

Suite 900

401 9th Street, N.W.

Washington, D.C. 20004-2128

(202) 585-8000

Fax: (202) 585-8080

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (202) 585-8000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Claudette Pride	Federal Communications Commission	202-418-2843	
2) Jim Lande	Federal Communications Commission	202-418-0232	
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Veronica M. Ahern	Date: September 25, 2003	No. of Pages: 12 (including this page)	

Original of the transmitted document will be sent by:

☐ First Class Mail☐ Overnight Mail☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

Nixon Peabody LLP

Attorneys at Law

Suite 900

401 9th Street, N.W.

Washington, D.C. 20004-2128

(202) 585-8000

Fax: (202) 585-8080

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (202) 585-8000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Ms. Lisa Tubbs	USAC	9730599-6507	
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Veronica M. Ahern	Date: September 25, 2003	No. of Pages: 12 (including this page)	

Original of the transmitted document will be sent by:

☐ First Class Mail☐ Overnight Mail☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

ATTACHMENT C



NIXON PEABODY LLP
ATTORNEYS AT LAW

Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000
Fax: (202) 585-8080

Veronica M. Ahern
Direct Dial: (202) 585-8321
E-Mail: vahern@nixonpeabody.com

STAMP & RETURN

September 25, 2003

RECEIVED - FCC

SEP 25 2003

Federal Communication Commission
Bureau / Office

Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Regulatory Fee Request

Dear Sir or Madam:

Equant Inc. ("Equant"), by its attorneys, hereby requests that the Office of Managing Director accept the amount of \$71,628.71, less \$21,471.02 paid by Equant through the offset program of the Department of Treasury, as full payment of regulatory fees and penalties owed by Equant for the year January 1 to December 31st, 1999 and instruct the Department of Treasury to end all collection actions. Equant filed a Remittance Form 159 and wired \$71,628.71 to the Mellon Bank on September 23, 2003. (See Attachment A)¹ Equant asks that the Office of Managing Director accept this payment as payment in full, regardless of whether the simultaneously filed Request for Review of a decision of the Universal Service Administrative Company ("USAC") is granted. (See Attachment B). Equant makes these requests as the successor in interest to Equant Network Services ("ENS").²

Background

In 2000, Equant Network Services was a private interstate telecommunications provider offering services only on a non-common carrier basis. In April 2000, ENS filed a Telecommunications Reporting Worksheet (Form 499-A) that included on Line 412

¹ After paying \$71,628.71, Equant learned that the total amount of the Treasury Department off-set was \$21,471.02. Equant asks for refund of that amount.

² On December 31, 2001, Equant Network Services, was merged with Equant Inc., the surviving entity.

Marlene Dortch
September 25, 2003
Page 2

approximately \$129 million of off-shore revenue, that is, revenue derived from calls that both originate and terminate in foreign points and do not transit the U.S. That revenue should have been recorded on Line 418 (non-telecom service revenue) since it was for non-U.S.-based revenues. In other words, ENS made a \$129 million mistake. We understand that other carriers made the same miscalculation in 2000, a result of an ambiguous instruction sheet that subsequently was clarified by the FCC.

As required, ENS paid its universal service contribution and cost recovery payment based on the revenues shown in the incorrect Form 499-A. However, ENS did not pay regulatory fees because it operated only as a private carrier, not subject to Title II regulation. ENS believed that such private carriers were exempt from regulatory fees.

In June 2003, Equant, ENS's successor in interest, received a "demand" letter from a Private Collection Agency, seeking \$350,006.15 in regulatory fees and penalties based upon the April 2000 Form 499-A. Equant investigated the matter and determined that the 2000 Form 499-A was incorrect in that it included approximately \$129 million of foreign revenue that should not have been included, and that was used to calculate the regulatory fee. On August 25, 2003, Equant, on behalf of ENS, filed a revised Form 499-A for the year 2000. This revised Form 499-A reclassified the \$129 million from Line 412 to Line 418 and, as a result, significantly reduced the amount of owed regulatory fees. On August 26, 2003, representatives of Equant met with staff from the Office of Managing Director and the Wireline Bureau to discuss how to correct this matter and end further collection efforts. On August 27, 2003 USAC rejected the revised Form 499-A because it was not filed within one year of the original submission.³

Request

Equant has paid regulatory fees and penalties based on the corrected Form 499-A in the amount of \$71,628.71, including a 25% penalty. Equant asks the Managing Director to rule that this amount, less the Treasury Department offset amount of \$21,471.02, satisfies Equant's obligation and to direct the Department of the Treasury to end further collection efforts pursuant to the Debt Collection Improvement Act. Equant asks for a refund of the \$21,471.02. Further, Equant asks the Managing Director to take this action whether or not the Wireline Bureau overrules USAC and accepts the revised Form 499-A. As described in our Request for Review, the instructions for completing the 2000 Form 499-A were unclear, which led to the mistake made by ENS. (The instructions have since been corrected to make the classification of off-shore revenue clear.) Equant should not be required to pay regulatory fees greatly in excess of what is legitimately owed because the instructions to Form 499-A were misleading. Equant

³ Simultaneous with this request for OMD action, Equant has sought review of the USAC decision from the Wireline Bureau pursuant to Section 54.722 of the Commission's rules (Attachment B).

Marlene Dortch
September 25, 2003
Page 3


expects that the Wireline Bureau will overrule USAC and allow revision of the 2000 Form 499-A. If it does not, however, fairness requires that the Managing Director permit Equant to pay regulatory fees based upon the correct calculations, that is, those that do not include revenues from off-shore traffic that did not transit the United States.

For these reasons, Equant, pursuant to Sections 0.231(a) and 1.1166 of the Commission's rules, requests that the Managing Director accept \$50,157.69 (\$71,628.71 less \$21,471.02) (including 25% penalty) as payment in full of the year 2000 Equant regulatory fees, direct the Department of Treasury to end collection action, and refund \$21,471.02 to Equant.

Please contact the undersigned if you have any questions.

Respectfully submitted,

Equant Inc.

By: 
Veronica M. Ahern
Its Attorney

Attachment A: Form 159
Attachment B: Equant Request for Review

cc: Claudette Pride, OMD
Jim Lande, Wireline Bureau

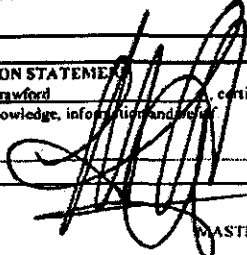
Attachment A

(412) 209-6045

Wire Transfer - Regulatory Fee Payment for CY 2000

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDINGFEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICEApproved by OMB
3060-0589

Page

(1) LOCK BOX # 358835		SPECIAL USE ONLY	
FCC USE ONLY			
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Equant Inc.		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$71,628.71	
(4) STREET ADDRESS LINE NO. 1 12490 Sunrise Valley Drive			
(5) STREET ADDRESS LINE NO. 2			
(6) CITY Reston		(7) STATE VA	(8) ZIP CODE 20196-0001
(9) DAYTIME TELEPHONE NUMBER (include area code) (703) 689-6000		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0004-3397-68		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Equant Network Services Inc.			
(14) STREET ADDRESS LINE NO. 1 12490 Sunrise Valley Drive			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY Reston		(17) STATE VA	(18) ZIP CODE 20196-0001
(19) DAYTIME TELEPHONE NUMBER (include area code) (703) 689-6000		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0005-0216-47		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID 818102	(24A) PAYMENT TYPE CODE 0072	(25A) QUANTITY 48,976,899	
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE \$57,302.97	FCC USE ONLY	
(28A) FCC CODE 1 48,976,899		(29A) FCC CODE 2 0.	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE 0099	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE \$14,325.74	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Monique R. Crawford</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE 		DATE, September 11, 2003	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.			
SIGNATURE _____		DATE _____	

FEDERAL COMMUNICATIONS COMMISSION
INTERSTATE TELEPHONE SERVICE PROVIDER WORKSHEET

Payer Name:	Filer 499 ID (Form 499-A Line 101):
Equant Network Services, Inc.	818102

Calendar 1999 revenue information (show amounts in whole dollars)		
1	Service provided by U.S. carriers that both originates and terminates in foreign points. Form 499-A Line 412 (e)	0.
2	Interstate end-user revenue from all telecommunications services. Form 499-A Line 420 (d)	48,976,899.
3	International end-user revenue from all telecommunications services except international-to-international. Form 499-A Line 420 (e)	48,976,899.
4	Total end-user Revenues (Sum of lines 1, 2 and 3) Note: also enter this number on Block (28A)- "FCC Code 1".	48,976,899.
5	End-user interstate mobile service monthly and activation charges. Form 499-A Line 409 (d)	0.
6	End-user international mobile service monthly and activation charges. Form 499-A Line 409 (e)	0.
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. Form 499-A Line 410 (d)	0.
8	End-user international mobile service message charges including roaming charges but excluding toll charges. Form 499-A Line 410 (e)	0.
9	End-user interstate satellite service. Form 499-A Line 416 (d)	0.
10	End-user international satellite service. Form 499-A Line 416 (e)	0.
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in line 403 (d) or 403 (e) on your FCC Form 499. [Note: you may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.]	0.
12	Revenues from resellers that do not contribute to USF. Form 499-A Line 511 (b)	0.
13	Total excluded end-user revenues. (Sum lines 5 through 12.) Note: also enter this number on Block (29A)- "FCC Code 2".	0.
14	Total subject revenue. (Line 4 minus Line 13) Note: also enter this number on Block (25A)- "Quantity".	48,976,899.
15	Common carrier fee factor	.00117
16	2000 Regulatory Fee (Line 14 times Line 15)* Note: also enter this number on Block (27A)- "Total Fee"	57,302.97
* You are exempt from filing if the amount on line 16 is less than \$10.		

Attachment B



NIXON PEABODY LLP

ATTORNEYS AT LAW

Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000
Fax: (202) 585-8080

Veronica M. Ahern
Direct Dial: (202) 585-8321
E-Mail: vahern@nixonpeabody.com

September 25, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Docket Nos. 96-45 and 97-21
Request for Review of USAC Decision
Filer 499ID:818102
Att: Wireline Bureau

Dear Ms. Dortch:

Equant Inc. ("Equant"), by its attorneys, hereby requests review of the decision of the Universal Service Administrative Company ("USAC") rejecting Equant's revision of a FCC Form 499-A for the period January 1-December 31, 1999 (See Attachment A). This Form 499-A was originally filed in April 2000 by Equant's predecessor in interest, Equant Network Services, Inc. ("ENS").¹ USAC rejects the revision because it was not filed within one year of the original submission. Equant herein appeals USAC's rejection directly to the Federal Communications Commission ("FCC" or "Commission") pursuant to Section 54.722 of the Commission's rules.²

Background

In 2000, Equant Network Services was a private interstate telecommunications provider offering services only on a non-common carrier basis. In April 2000, ENS filed a Telecommunications Reporting Worksheet (Form 499-A) that included on Line 412

¹ On December 31, 2001, ENS was merged with Equant Inc.

² 47 C.F.R. § 54.722.

Marlene Dortch
September 25, 2003
Page 2

approximately \$129 million of off-shore revenue, that is, revenue derived from calls that both originate and terminate in foreign points and do not transit the U.S. That revenue should have been recorded on Line 418 (non-telecom service revenue) since it was for non-U.S.-based revenues. In other words, ENS made a \$129 million mistake.

In June 2003, Equant, ENS's successor in interest, received a "demand" letter from a Private Collection Agency, seeking \$350,006.15 in regulatory fees and penalties based upon the April 2000 Form 499-A. Equant investigated the matter and determined that the 2000 Form 499-A was incorrect in that it included approximately \$129 million of foreign revenue that should not have been included, and that was used to calculate the regulatory fee. On August 25, 2003, Equant, on behalf of ENS, filed a revised Form 499-A for the year 2000. On August 27, 2003 USAC rejected the revised Form 499-A because it was not filed within one year of the original submission.³

Request for Review

Equant requests FCC review of the USAC rejection pursuant to Section 54.722 of the Commission's rules for two reasons. First, the mistake made by ENS was understandable, given the lack of clear direction in the 2000 Form 499-A. Telecommunications carriers were directed to include "international calls that both originate and terminate in foreign points" in revenues reported on Line 412. No distinction is made, on the Form or in the instructions, between traffic that does not transit the United States and traffic that does. ENS followed the directions on the Form and included over \$129 million in international revenues on Line 412, revenues that had been derived from traffic that did not transit the U.S. This revenue should have been included in Line 418, but there were no directions or instructions that would have led a reasonable person to think so. This lack of clarity was the cause of ENS error.

Moreover, the unclear nature of the Form is evidenced by a subsequent specific correction. Now, the instructions for Form 499-A clearly state:

Line 418 should include revenues from the telecommunications services provided in a foreign country where the traffic does not transit the United States or where the carrier is providing service as a foreign carrier, i.e. a carrier licensed in that country.⁴

³ Simultaneous with this request for review of the USAC rejection, Equant has paid regulatory fees and penalties based upon the correct Form 499-A amount and has requested that the Office of the Managing Director accept these amounts as full payment of the ENS Year 2000 regulatory fees, subject to adjustment for overpayment. (See Attachment B).

⁴ 2003 Form 499-A, Instructions, p.22.

Marlene Dortch
September 25, 2003
Page 3

Thus, the Commission has recognized that its previous instructions were imperfect and could reasonably have been construed as they were by ENS. This reason is alone sufficient to allow Equant, on behalf of ENS, to revise its incorrect Form 499-A.

A second reason to grant review of the USAC decision is that a summary rejection based upon an arbitrary schedule is, in these circumstances, patently unfair and egregious. USAC summarily dismissed the revised Form 499-A for failure to file a correction within one year. However, Equant was unaware within one year of the submission that the error had been made. Only more than three years after the filing was it brought to Equant's attention (through a "demand" for regulatory fees), that the April 2000 filing was incorrect.⁵ We appreciate that administrative convenience warrants adherence to a schedule in order to assure that universal service contributions and cost recovery payments do not have to be recalculated over and over again. However, administrative convenience must bow to fairness in this limited circumstance when the error was unknown for three years and when the error itself was as a result of unclear instructions. Moreover, there will be no impact on the administration of the universal service support mechanisms. There will be no need to recalculate the contribution to universal service, because that amount is not calculated based on non-U.S. revenues. There may be some recalculation of cost recovery payments, but this is a minimal inconvenience and not worthy of summary rejection.

For these reasons, Equant urges the Commission to review the decision of the Universal Service Administrative Company and allow Equant, on behalf of its predecessor company, ENS, to revise its Form 499-A for the period January 1 to December 31, 1999.

Respectfully submitted,

Equant Inc.

By: Veronica M. Ahern
Veronica M. Ahern
Its Attorney

Attachment A: USAC Letter
Attachment B: Equant Fee Letter

⁵ Apparently, despite Equant's having updated both its CORES filing and its subsequent Form 499-As, correspondence with ENS was repeatedly sent to an outdated address.

Marlene Dortch
September 25, 2003
Page 4

cc: Lisa Tubbs, USAC
Claudette Pride, OMD
Jim Lande, WTB

Nixon Peabody LLP

Attorneys at Law

Suite 900

401 9th Street, N.W.

Washington, D.C. 20004-2128

(202) 585-8000

Fax: (202) 585-8080

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (202) 585-8000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Claudette Pride	Federal Communications Commission	202-418-2843	
2) Jim Lande	Federal Communications Commission	202-418-0232	
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Veronica M. Ahern	Date: September 25, 2003	No. of Pages: 12 (including this page)	

Original of the transmitted document will be sent by:

☐ First Class Mail☐ Overnight Mail☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

ATTACHMENT D

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

September 30, 2003

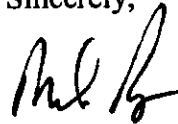
Veronica M. Ahern, Esq.
401 9th Street, NW
Suite 900
Washington, DC 20004-2128

Re: Regulatory Fee Request
For Equant

Dear Madame:

This letter is acknowledging receipt of your letter dated September 25, 2003, which was received by the FCC on September 26, 2003. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925. The FCC is experiencing significant delays in mail delivery. You may choose to fax or email any further correspondence to the Agency for a more timely response.

Sincerely,



Mark A. Reger
Chief Financial Officer

ATTACHMENT E

ATTACHMENT E

The following e-mails reflect correspondence between Claudette Pride of the Office of Managing Director, and Monique Crawford and Veronica Ahern, representing Equant. They are representative of other e-mails and demonstrate that Equant made diligent efforts to resolve this issue, but was unable to get closure from the FCC staff.

Ahern, Veronica

From: monique.crawford@equant.com
Sent: Wednesday, September 01, 2004 6:18 PM
To: Claudette Pride
Cc: Ahern, Veronica
Subject: RE: Equant Network Services - Refund



OffsetsUSDoT.pdf
(87 KB)

Dear Claudette:

Pursuant to our conversation today I am sending this email to request the status of the refund discussed. Please see the attached documentation. I would like to resolve this matter shortly since it has been pending since September of 2003, so I would appreciate it if you could provide an expected timing.

Best regards,

Monique R. Crawford
Legal and Regulatory
Equant
2355 Dulles Corner Boulevard
Building 3
Herndon, VA 20171

Phone: (571) 643-7956
Fax: (571) 643-7680 or (571) 643-7681
<http://www.equant.com>

This e-mail (including any attachments) is confidential and may be legally privileged. If you are not an intended recipient or an authorized representative of an intended recipient, you are prohibited from using, copying or distributing the information in this e-mail or its attachments. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete all copies of this message and any attachments. Thank you.

----- Forwarded by Monique CRAWFORD/United States/Equant on 09/01/2004 06:09 PM -----

<Claudette.Pride@fcc.gov>
Monique CRAWFORD
02/13/2004 11:17 AM

To: "Claudette Pride"

cc:
bcc:
Subject: RE: Equant Network Services

Dear Claudette:

As you may remember, Equant was awaiting a refund from the FCC in the amount of \$21,471.02 and I am writing to inquire as to the status of this refund. I have attached another copy of the documentation from the US Department of Treasury for your convenience, which demonstrates the overpayment (see below discussion).

Could you please let me know where we are in the process and when we can

expect to receive the refund?
(See attached file: OffsetsUSDoT.pdf)
I appreciate your help!

Sincerely,

Monique R. Crawford
Legal and Regulatory
Equant

2355 Dulles Corner Boulevard

Building 3
Herndon, VA 20171

Phone: (571) 643-7956
Fax: (571) 643-7680 or (571) 643-7681
<http://www.equant.com>

This e-mail (including any attachments) is confidential and may be legally privileged. If you are not an intended recipient or an authorized representative of an intended recipient, you are prohibited from using, copying or distributing the information in this e-mail or its attachments. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete all copies of this message and any attachments. Thank you.

----- Forwarded by Monique CRAWFORD/United States/Equant on 02/13/2004
11:08 AM -----

"Ahern, Veronica"
<VAhern@nixonpeabody.com>
09/26/2003 10:27 AM
<Claudette.Pride@fcc.gov>

To: "Claudette Pride"

cc:

bcc:

Subject: RE: Equant Network Services

Claudette, thanks so much for this. I was beginning to think I was invisible!

Here's where we stand: We have calculated \$71,628.71 as the correct amount of regulatory fees owed for FY 1999. Equant has already paid (through offset) \$21,471.02. Unfortunately, when we didn't hear back from you to confirm the offset amount, the accounting department went ahead and wired the full amount (\$71,628.71). Yesterday I filed a request with the OMD (you were cc'ed by fax) to accept the \$71,628.71 as the amount owed and refund the \$21,471.02.

Thanks for the recall. I'll check in with Katherine to be sure you get the file back. And we will await the decision of the OMD on our request. Many thanks. Ronnie

-----Original Message-----

From: Claudette Pride [mailto:Claudette.Pride@fcc.gov]
Sent: Thursday, September 25, 2003 6:08 PM
To: Ahern, Veronica
Subject: Equant Network Services

Veronica:

I truly apologize for not getting back with you sooner. I have been in and out of the last several weeks, and when I am here we have been focusing on the FY 2003 regulatory fees. We have submitted a recall request to the Department of Treasury, we actual did that back in August. Todate, we have not seen the file returned. I have asked Katherine Siebert of my staff to call them and find out what is